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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,520	08/02/2001	Hiroshi Miyajima	14843	6099

7590 06/23/2003

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400 Garden City Plaza
Garden City, NY 11530-0299

EXAMINER

NGUYEN, DANNY

ART UNIT	PAPER NUMBER
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2836

DATE MAILED: 06/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/921,520

Applicant(s)

MIYAJIMA ET AL.

Examiner

Danny Nguyen

Art Unit

2836

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. Applicant's arguments with respect to claims 1, 5, and 8 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 5, 8, 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Inoue et al. (USPN 5,247,384).

Regarding to claims 1, 5, 8, Inoue et al. disclose an actuator drive (see fig 1) comprises a movable section (including elements 16, 18, 30 and 32, col. 6, lines 58-60); a fixed section (30) (col. 6, line 59); an elastic member (including 20 22, 24, 26) for connecting the movable section and the fixed section; a magnetic field generation member (32); a drive coil (36); a detection coil (38), and a high frequency elimination circuit (46) for eliminating a specific high frequency component of the output signal of the detection coil (col. 8, lines 32-41), and a control circuit (14) for applying a drive signal having a rectangular wave to the drive coil, the movable section making a movement relative to the fixed section in a resonant state, the control circuit feeding back an output signal of the detection coil (38) from which the specific high frequency component is eliminated to the drive coil (col. 8, lines 32-41), thereby maintaining the

movement of the movable section relative to the fixed section in the resonant state (see col. 6, lines 41-43).

Regarding to claim 10, Inoue et al. disclose a phase compensation circuit (50) for compensating for a change in phase caused by the high frequency elimination circuit (col. 8, lines 42-45).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2- 4, 6, 7, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al. in view of Haas (USPN 4,088,982).

Regarding to claims 2, 4, 6, 9, Inous et al. disclose a high frequency elimination circuit. But Inoue et al. do not disclose a high frequency elimination circuit being a low pass filter. Hass discloses a high frequency elimination circuit being a low pass filter (61). It would have been obvious to one having skill in the art at the time the invention was made to modify the circuit of Inoue et al. with a low pass filter as taught by Haas in order to filter out high frequency noise (Haas, col. 4, lines 52-53).

Regarding claims 3, 7, Inoue et al. disclose a phase compensation circuit (50) for compensating for a change in phase caused by the high frequency elimination circuit (col. 8, lines 42-45).

Conclusion

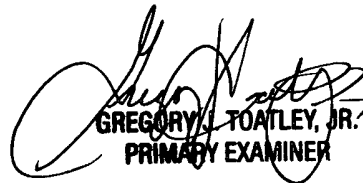
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Danny Nguyen whose telephone number is (703)-305-5988. The examiner can normally be reached on Mon to Fri 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (703)-308-3119. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-872-9318 for regular communications and (703)-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-0956.

DN

DN
June 19, 2003


GREGORY L. TOATLEY, JR.
PRIMARY EXAMINER